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Paper No. 4

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JUL 29 2002

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202

In re Application of
Dickey, et al.
Application No. 10/021,665
Filed: December 7, 2001
Docket No.: HILB / 723C1
For: PET CARE PRODUCTS AND METHOD
OF PROVIDING PET CARE PRODUCTS,
SERVICES AND INFORMATION

OFFICE OF PETITIONS
DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed
July 15, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to reply, correcting the below-noted deficiencies.
Any reply should be entitled "Request for Reconsideration of
Petition under 37 CFR 1.47(a)," and should only address the
deficiencies noted below, except that the reply may include an
oath or declaration executed by the non-signing inventor. Failure
to respond will result in abandonment of the application. Any
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 7, 2001
without an executed oath or declaration and naming Bradley J.
Dickey, Rodger A. Jones, Chris Lowery, and Darryl M. Maslar as
joint inventors. Accordingly, on January 8, 2002, a "Notice to
File Missing Parts of Nonprovisional Application" was mailed,
requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that
the non-signing inventor cannot be reached or refuses to sign the
oath or declaration after having been presented with the
application papers (specification, claims and drawings); (2) an
acceptable oath or declaration in compliance with 35 USC 115 and
116; (3) the petition fee; and (4) a statement of the last known
address of the non-signing inventor.

The petition lacks requirement (2) stated above. The instant
petition is not accompanied by an oath or declaration executed by
the available inventors on behalf of themselves and the non-
signing inventor. Any renewed petition must be accompanied by an
oath or declaration in full compliance with 37 CFR 1.63 and/or 37
CFR 1.64.

Further correspondence with respect to this matter should be
addressed as follows:

By mail: Commissioner for Patents
Box DAC

Application No. 10/021,665

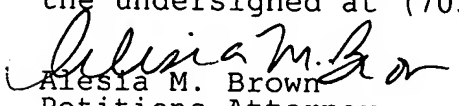
2

Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.


Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy